

**APRIL 12, 2012**

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, April 12, 2012, at 8:30 o'clock in the evening, prevailing time at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Schleifer,  
Ferramosca, and Coppola

ABSENT: Member Brueno

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**PLEDGE OF ALLEGIANCE TO THE FLAG**

**STATEMENT BY PRESIDING OFFICER:**

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by posting written notices and agenda of the meeting on the bulletin board in the Municipal Building, 1000 Route 10, Township of Hanover and by hand delivering, mailing or faxing such notice and agenda to the following newspapers:

**HANOVER EAGLE  
MORRIS COUNTY'S DAILY RECORD  
THE STAR LEDGER**

and by filing same with the Township Clerk.

(signed) Ronald F. Francioli, Mayor

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**PRESENTATIONS OF DISTINGUISHED SERVICE AWARDS:**

Plaques were presented to the following Firefighters in recognition of their bravery and heroism in rescuing individuals in various emergency situations.

**VEHICLE ROOF TOP RESCUR ON AUGUST 28, 2011**  
**WHIPPANY FIRE DEPARTMENT**

Lieutenant Robert F. Cobane, Jr.  
Firefighter Thomas G. Cobane  
Firefighter Joseph E. Makowski, Jr.  
Firefighter/EMT/Fire Inspector Ian R. Bell  
Firefighter/EMT/Fire Inspector Josh J. Makowski

**SWIFT WATER RESCUE ON AUGUSTS 28, 2011**  
**WHIPPANY FIRE DEPARTMENT:**

Assistant Chief Thomas Rebyak  
Firefighter/EMT/Fire Inspector Ian R. Bell

**RESCUE OF MAN IN VEHICLE IN WHIPPANY RIVER**  
**DIABETIC EMERGENCY ON SEPTEMBER 7, 2011**  
**HANOVER TOWNSHIP POLICE DEPARTMENT**

Patrolman Dominic J. Kaiser

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**OPEN TO THE PUBLIC:**

Mayor Francioli opened the meeting to the public.

Lucy Tscherne of 45 Deerfield Road requested a copy of the letter the Township sent to State officials voicing concern and opposite to the regulations contained in the recently adopted Foreclosure Act.

No further comments forthcoming, Member Coppola moved the public hearing be declared closed. The motion was seconded by Member Ferramosca and was unanimously passed.

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**COMMUNICATIONS:**

The following communications were read and action taken as indicated:

1. Hanover Park Regional High School district, William F. Albert, Jr., business Administrator/Board Secretary – submitting Schedule Of due Dates and amounts for the 2012-2013 School Year.

<b>2012</b>	
<b><u>TOTAL AMOUNT</u></b>	<b><u>PAYMENT DATES/AMOUNT</u></b>
\$5,308,246.41	07/19/12      \$884,707.74
	08/13/12      \$884,707.74
	09/10/12      \$884,707.74
	10/08/12      \$884,707.73
	11/12/12      \$884,707.73
	12/10./12     \$884,707.73
<b>2013</b>	
<b><u>TOTAL AMOUNT</u></b>	<b><u>PAYMENT DATES/AMOUNT</u></b>
\$5,308,246.40	01/14/13      \$884,707.74

02/11/13	\$884,707.74
03/11/13	\$884,707.73
04/08/13	\$884,707.73
05/13/13	\$884,707.73
06/10/13	\$884,707.73

Member Coppola moved that the sums as set forth above be transmitted to the Board Secretary. Seconded by Member Ferramosca and unanimously passed.

2. Hanover Township Board of Education, Vanessa M. Wolsky, Business Administrator/Board Secretary, as follows:

(a) Requesting the sum of \$1,772,106.00 to meet current obligations.

Member Schleifer moved that the sum of \$1,772,106.00 be transmitted to the Board's Secretary. The motion was seconded by Member Francioli and was unanimously passed.

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**DEPARTMENTAL REPORTS:**

The following reports were presented and ordered filed as received:

Police Department	S.W.Gallagher	Month Ending 3/31/12
Property Maintenance	E.DeSimoni	Month Ending 3/31/12
DPW	B.Foran	Month Ending 3/31/12
Parks	B.Foran	Month Ending 3/31/12
Building Dept.	S.Donlon	Month Ending 3/31/12
Treasurer's Report	S.Esposito	Month Ending 3/31/12

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**PUBLIC HEARING AND ADOPTION OF THE 2012 LOCAL MUNICIPAL BUDGET:**

**RESOLUTION: NO. 63-2012**

Member Schleifer offered the following resolution and moved its adoption:

**A RESOLUTION AUTHORIZING SECOND READING AND PUBLIC HEARING  
ON THE 2012 LOCAL MUNICIPAL BUDGET**

**BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That the 2012 Local Municipal Budget be read by title on second reading and a public hearing held thereon.

The motion was seconded by Member Coppola, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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The Township Clerk stated that the Annual Debt Statement has been submitted to and been approved by the Division of Local Government Services.

In addition, the Clerk presented the proof of publication of the 2012 Budget Synopsis as published in the March 15, 2012 issue of the Daily Record.

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Member Francioli opened the meeting to the public. No comments forthcoming. Member Schliefer moved the public hearing be declared closed. The motion was seconded by Member Coppola and was unanimously passed.

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**RESOLUTION:      NO. 64-2012**

Member Schleifer offered the following resolution and moved its adoption:

**A RESOLUTION ADOPTING THE 2012 LOCAL MUNICIPAL BUDGET**

**BE IT RESOLVED**, by the township Committee of the township of Hawthorn, County of Morris and State of New Jersey, that the 2012 Local Municipal Budget be adopted as heretofore set forth.

The motion was seconded by Member Coppola, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**(Bee Meadow Pool Facility Improvements  
Deck & Roofing and Appropriating  
\$115,000 from SPEF Capital Account of  
2012 & Prior)**

**ORDINANCE:      NO. 9-2012**

Member Ferramosca offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE FOLLOWING IMPROVEMENTS AT THE BEE MEADOW SWIMMING POOL FACILITY: (1) REPAIR TO THE PERIMETER EDGE DECK OF THE POOL; AND (2) REROOFING OF THE BEE MEADOW POOL MAINTENANCE BUILDING AND FURTHER APPROPRIATING THE SUM OF \$115,000.00 FROM THE FINANCING OF BOTH PROJECTS THROUGH THE SWIMMING POOL ENTERPRISE FUND CAPITAL ACCOUNT OF 2012 AND ALL PRIOR YEAS", be read by title on second reading and a hearing held thereon.

The motion was seconded by Member Coppola, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance as published in the March 15, 2012, issue of the Morris County Daily Record. Said Proof of Publication was ordered filed as received.

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Mayor Francioli opened the meeting to the public for discussion of the proposed Ordinance. No comments forthcoming, Member Ferramosca moved the public hearing be declared closed. The motion was seconded by Member Schleifer and was unanimously passed.

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Member Schleifer offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE FOLLOWING IMPROVEMENTS AT THE BEE MEADOW SWIMMING POOL FACILITY; (1) REPAIR TO THE PERIMETER EDGE DECK OF THE POOL: AND (2) REROOFING OF THE BEE MEADOW POOL MAINTENANCE BUILDING AND FURTHER APPROPRIATING THE SUM OF \$115,000.00 FOR THE FINANCING OF BOTH PROJECTS THROUGH THE SWIMMING POOL ENTERPRISE FUND CAPITAL ACCOUNT OF 2012 AND ALL PRIOR YEARS", be passed on final reading and that a Notice of the final passage of said Ordinance be published in the April 19<sup>th</sup>, 2012 issue of the Morris County Daily Record.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer, Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**(Regulating Signs in Public Right-Of-Way & Amend Chapter 248 Entitled Streets & Sidewalks by Establishing New Article VI – Signs)**  
**ORDINANCE:            NO. 10-2012**

Member Ferramosca offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO REGULATE SIGNS IN THE PUBLIC RIGHT-OF-WAY AND AMENDING CHAPTER 248 OF THE CODE OF THE TOWNSHIP ENTITLED STREETS AND SIDEWALKS BY ESTABLISHING A NEW ARTICLE VI ENTITLED 'SIGNS' be introduced and read by title on first reading.

The motion was seconded by Member Coppola, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer, Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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Following the reading of said Ordinance by title, Member Ferramosca offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO REGULATE SIGNS IN THE PUBLIC RIGHT-OF-WAY AND AMENDING CHAPTER 248 OF THE CODE OF THE TOWNSHIP ENTITLED STREETS AND SIDEWALKS BY ESTABLISHING A NEW ARTICLE VI ENTITLED 'SIGNS'", be passed on first reading.

BE IT FURTHER RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Committee of the Township of Hanover on the 26<sup>th</sup> day of April, 2012 at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, in said Township of Hanover, at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance.

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in full with the notice of Introduction thereof, in the Morris County Daily Record, according to law.

The motion was seconded by Member Coppola, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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<b><u>ORDINANCE:</u></b>	<b><u>NO. 11-2012</u></b>	

Member Coppola offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENITNG SECTION 1, OF ORDINANCE NO. 31-11 AND CHAPTE 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES WITH THE INCLUSION OF A NEW POSITION ENTITLED

'HUMAN RESOURCE SPECIALIST' AND ASSOCIATED RATE OF COMPENSATION", be introduced and read by title on first reading.

The motion was seconded by Member Francioli, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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Following the reading of said Ordinance by title, Member Coppola offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 1. OF ORDINANCE NO. 31-11 AND CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES WITH THE INCLUSION OF A NEW POSITION ENTITLED 'HUMAN RESOURCE SPECIALIST' AND ASSOCIATED RATE OF COMPENSATION", be passed on first reading.

BE IT FURTHER RESOLVED, That said Ordinance shall be further considered for final passage at the meeting of the Township Committee of the Township of Hanover on the 26<sup>th</sup> day of April, 2012, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, in said Township of Hanover, at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance.

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in full with the Notice of Introduction thereof, in the Morris County Daily Record, according to law.

The motion was seconded by Member Francioli, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:      NO. 65-2012**



Township sponsored Arbor Day tree planting ceremonies will take place at the following schools on the dates indicated: Proclamations will be presented to each school at the ceremony.

April 24, 2012 – Memorial Junior School  
April 25, 2012 – Mountview Road School  
April 26, 2012 – PG Chambers School  
April 27, 2012 – Salem Drive School  
April 30, 2012 – Allegro School  
May 1, 2012 – Bee Meadow School  
May 2, 2012 – Our Lady of Mercy Academy  
May 3, 2012 – Calais School

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Member Coppola offered the following resolution and moved its adoption:

**A PROCLAMATION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
HANOVER PROCLAIMING APRIL 24, 2012 AS ARBOR DAY AT  
MEMORIAL JUNIOR SCHOOL**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called **Arbor Day**, was first observed with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

**WHEREAS**, trees in our Township increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The Township Committee hereby proclaims **April 24, 2012 as**

**ARBOR DAY  
AT  
MEMORIAL JUNIOR SCHOOL**

in the Township of Hanover, and urges all citizens to celebrate **Arbor Day** and to support efforts to protect our trees and woodlands.

2. The governing body also urges all citizens of the Township to plant trees to gladden the heart and promote the well-being of this and future generations.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 66-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION APPROVING THE APPOINTMENT OF FULL-TIME,  
SEASONAL PERSONNEL TO BE EMPLOYED AS PUBLIC WORKS DEPARTMENT  
LABORERS AND PARK MAINTENANCE WORKERS, ALL IN ACCORDANCE WITH  
SECTION 11. OF SALARY ORDINANCE NO. 31-2011**

**WHEREAS**, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department recommends the employment of the individuals listed below to work as full-time, seasonal employees to be assigned to any Division within the Department on an as needed basis; and

**WHEREAS**, it is the recommendation of the Business Administrator that the Township Committee approve the individuals listed below under paragraph one (1), who shall be compensated at the rates set forth in accordance with the salary ranges established in Section 11. of Salary Ordinance No. 31-2011.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey as follows:

1. In accordance with Section 11 of Salary Ordinance No. 31-2011, the rates of compensation for the following seasonal employees mentioned below shall be as follows:

**PUBLIC WORKS, BUILDINGS & GROUNDS & PARK MAINTENANCE:**

The following individuals shall be assigned to work in any Division of the Public Works, Buildings & Grounds and Park Maintenance Department in accordance with the work load requirements and needs of the Department:

<b><u>NAME &amp; ADDRESS:</u></b>	<b><u>RATE OF PAY:</u></b>
1. Anthony Torre, 10 Legion Place, Whippany	\$ 9.00/hr.
2. John DeSimone, 21 Mountain Ave, Cedar Knolls	8.75/hr.
3. Nick Rigas, 89 Parsippany Road, Whippany	8.75/hr.
4. Kevin Herbert, 62 Troy Hills Road, Cedar Knolls	9.25/hr.
5. Andrew Dunne, 59 Manger Road, Cedar knolls	8.75/hr
6. Gary Falkman, 151 Reynolds Ave, Whippany	9.00/hr.
7. Gerald Schofield, 155 Woodward Ln, Basking Ridge	8.75/hr.
8. David Armstrong, 23 Adams Drive, Whippany	8.75/hr.
9. Kyle Waddon, 10 Emerson Drive, Whippany	9.00/hr

2. Irrespective of the assignment of the individuals listed above, the Superintendent reserves the right to assign any of the summer seasonal personnel to any of the Department's Divisions based on work load needs.

3. Except for disciplinary removal, all appointments (with the exception of the all year round Teen Coordinators) as seasonal employees shall terminate on or before September 3, 2012.

4. That a certified copy of this resolution be transmitted to the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department, and the Township's Chief Municipal Finance Officer for their reference and action.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:**      **NO. 67-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH GORDON METH, P.E., P.P., AND THE FIRM OF THE RBA GROUP, INC. FOR THE PURPOSE OF PREPARING A TRAFFIC STUDY OF WHIPPANY ROAD AS IT RELATES TO THE CIRCULATION ELEMENT OF THE TOWNSHIP'S MASTER PLAN IN AN AMOUNT NOT TO EXCEED \$25,000.00, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AND PAY-TO-PLAY LAWS AT N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND 19:44A-20.26 ET SEQ. AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH GORDON METH AND THE RBA GROUP, INC.**

**WHEREAS**, pursuant to the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) and the Pay-to-Play regulations at N.J.S.A. 19:44A-20.5 and 19:44A-20.26, the Township Committee needs to retain the services of a professional engineer and planning consultant firm as a non-fair and open contract in order to conduct a traffic study of Whippany Road in the vicinity of the former Alcatel-Lucent property in order to determine the appropriate alternatives for access and circulation resulting from the proposed development of the property, and its correlation to the circulation element of the Township's Master Plan; and

**WHEREAS**, at the request of the Township Engineer, **Gordon Meth**, a professional engineer and professional planner licensed by the State of New Jersey and serving as the Director of Traffic Engineering for **The RBA Group, Inc.** submitted a written proposal and quotation dated March 1, 2012 describing the scope of services to be performed with respect to the traffic study mentioned above; and

**WHEREAS**, the cost to perform the scope of services outlined in the March 1, 2012 letter proposal is estimated at an amount not to exceed \$25,000.00 based on **The RBA Group, Inc.'s** 2012 hourly rate schedule; and

**WHEREAS**, in keeping with the requirements of the Non-Fair and Open Process of the Pay-to-Play Legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township's Business Administrator in his capacity as the Qualified Purchasing Agent, has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated contract for the performance of professional planning consultant services has an estimated value in excess of \$17,500.00; and

**WHEREAS**, **The RBA Group, Inc.** has completed and submitted a Business Entity Disclosure Certification which certifies that **The RBA Group, Inc.** has not made any reportable contributions to a political candidate or candidate committee in the Township of Hanover in the previous one (1) year and that the contract with the Township will prohibit **The RBA Group, Inc.** from making any reportable contributions during the term of the professional services agreement; and

**WHEREAS**, in accordance with N.J.S.A. 19:44A-20.26, **The RBA Group, Inc.** has also filed a Chapter 271 Political Contribution Disclosure Form and a Stockholder Disclosure Certification; and

**WHEREAS**, it is the intention of the Township Committee to retain the services of **Gordon Meth, P.E., P.P.** and the firm of **The RBA Group, Inc.** for the purpose of preparing a traffic study of Whippany Road as it relates to the proposed development of the form Alcatel-Lucent property and the correlation of the study to the circulation element of the Master Plan, as described in the March 1, 2012 proposal and quotation submitted by **Gordon Meth**; and

**WHEREAS**, the total contract amount with **Gordon Meth, P.E., P.P.** and the firm of **The RBA Group, Inc.** shall not exceed \$25,000.00 and said compensation shall be based on the Firm's hourly rate schedule, all in accordance the March 1, 2012 proposal and quotation, a copy of which is attached hereto and made a part of this resolution as if set forth in full; and

**WHEREAS**, the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) et seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids, and the contract itself must be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That **Gordon Meth, P.E., P.P.**, a profession engineer and professional planner, licensed by the State of New Jersey, and the firm of **The RBA Group, Inc.** located at 7 Campus Drive, Suite 300 in Parsippany, New Jersey 07054-4495 are hereby retained for the purpose of providing the Township Committee with professional engineering and planning consultant services in the preparation of a traffic study of Whippany Road in the vicinity of the former Alcatel-Lucent property in order to determine the appropriate alternatives for access and circulation resulting from the proposed development of the site and the correlation of the traffic study to the circulation element of the Master Plan. The scope of services shall be performed in accordance with the March 1, 2012 letter proposal and quotation submitted by **Gordon Meth, P.E., P.P.** which letter proposal and quotation is attached hereto and made a part of this resolution as if set forth in full.
2. Based on the Firm's 2012 schedule of hourly rates and direct expenses, the total contract amount for the traffic study shall not exceed \$25,000.00.

3. The Mayor and Township Clerk are hereby authorized to execute a professional services agreement with **Gordon Meth, P.E., P.P.** as a principal of **The RBA Group, Inc.**
4. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) because the services to be performed are by a person authorized by law to practice a recognized profession as a professional engineer and professional planner licensed by the State of New Jersey and such services are not subject to competitive bid.
5. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:      NO. 68-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$14,406.60 WITH GARDEN STATE FIREWORKS, INCORPORATED FOR AN INDEPENDENCE DAY CELEBRATION OF FIREWORKS ON THE EVENING OF JULY 2, 2012 WITH A RAIN DATE OF JULY 5, 2012 OR THE NEXT CLEAR NIGHT IN CASE OF INCLEMENT WEATHER AT THE WHIPPANY PARK HIGH SCHOOL ATHLETIC FIELD, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(ii) and N.J.S.A. 40A:11-6.1 OF THE LOCAL PUBLIC CONTRACTS LAW**

**WHEREAS**, the Township of Hanover intends to provide a fireworks display for the 2012 Independence Day Celebration on July 2, 2012 with a rain date of July 5, 2012 or the next clear night in case of inclement weather at the Whippany Park High School Athletic Field; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)

requires that the resolution authorizing the award of contracts for "Extraordinary Unspecifiable Services" without competitive bidding and the contract itself must be available for public inspection; and

**WHEREAS**, the Township has determined that the performance of a fireworks display requires an expertise and extensive training in this field of endeavor and involves the additional problem that if the displays are not properly furnished in the first instance, there is no opportunity for correction of any errors or omissions on the part of those providing said displays; and

**WHEREAS**, the Acting Superintendent of Recreation and Park Administration in a letter dated February 15, 2012 sent a written Request for Proposal to seven (7) vendors soliciting quotations for the fireworks program to be displayed on July 2<sup>nd</sup> at the Whippany Park High School Field with a rain date of July 5, 2012 or in the case of inclement weather on the next clear night thereafter; and

**WHEREAS**, the Request For Proposal was sent to the following vendors:

1. **Garden State Fireworks, Inc.;**
2. Bay Fireworks;
3. Big Apple Pyrotechnics, Inc.;
4. D & M Fireworks, LLC;
5. International Fireworks;
6. Alonzo Fireworks;
7. Schaefer Pyrotechnics, Inc.; and

**WHEREAS**, on March 27, 2012, the Township's Bid Reception Committee and opened two (2) sealed quotations as follows:

<b>Garden State Fireworks, Inc.</b> .....	\$14,406.60
Bay Fireworks.....	15,100.00; and

**WHEREAS**, the Board of Recreation Commissioners and the Acting Superintendent of the Recreation and Park Administration Department have reviewed the two (2) proposals and quotations and recommend that the Township Committee award a contract to **Garden State Fireworks, Inc.** in an amount not to exceed \$14,406.60; and

**WHEREAS**, the Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available for this expenditure through the year 2012 Current Fund Budget - Line Item Number 122-0038-304; and

**WHEREAS**, the Township Committee of the Township of Hanover conclude that the providing of fireworks displays should be classified as an "Extraordinary, Unspecifiable Service" as defined by N.J.S.A. 40A:11-5.(1)(a)(ii) and N.J.S.A. 40A:11-6.1.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. In accordance with N.J.S.A. 40A:11-5.(1)(a)(ii) and N.J.S.A. 40A:11-6.1, the governing body hereby authorizes the performance of an Independence Day Fourth of July Fireworks Display to be held on Monday evening, July 2, 2012 with a rain date of Thursday, July 5, 2012 or the next clear night in case of inclement weather which fireworks display shall be held at the Whippany Park High School Athletic Field.

2. That the Mayor and Township Clerk are further authorized to execute an Extraordinary, Unspecificable Services Agreement with **Garden State Fireworks, Inc.** located at P.O. Box 403, 383 Carlton Road, in Millington, New Jersey 07946 at a cost not to exceed \$14,406.60 for a fireworks program to be displayed at the Whippany Park High School Athletic Field on Monday, July 2, 2012, with a rain date of Thursday, July 5, 2012 or in the event of inclement weather, on the next clear night.

3. This contract is awarded without competitive bidding as an Extraordinary, Unspecificable Service in accordance with N.J.S.A. 40A:11-5.(1)(a)(ii) and N.J.S.A. 40A:11-6.1 of the Local Public Contracts Law guidelines and regulations.

4. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated in the year 2012 Current Fund Budget, Patriotic Celebration Account, Line Item No. 122-0038-304 and are available for the purpose set forth in this resolution.

5. The contract be awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5.(1)(a)(ii) because providing Fireworks Displays requires an expertise and extensive training in this field of endeavor and involves the additional problem that if the displays are not properly furnished in the first instance, there is no opportunity for correction of any errors or omissions on the part of those providing said displays.

6. A brief notice of the action taken in this resolution shall be published once in the Daily Record within ten (10) days of its passage.

7. The resolution and contract are on file in the office of the Business Administrator/Township Clerk and are available for public inspection.

8. A certified copy of this resolution shall be transmitted to the Township's Chief Municipal Finance Officer, Acting Superintendent of Recreation and Park Administration, and **Garden State Fireworks, Inc.** for their reference and information.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:



AYES: Mayor Franciol, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 69-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE REJECTING THE LOW BID OF BUILD RITE, LLC FOR FAILURE TO COMPLY WITH THE TOWNSHIP'S BID DOCUMENT SUBMISSION CHECKLIST AND FURTHER AUTHORIZING THE AWARD OF A CONTRACT IN THE LUMP SUM AMOUNT NOT TO EXCEED \$54,200.00 (FOR BID ITEM NOS. 1 AND 2) TO GEN II CONTRACTING COMPANY, INC. ,THE APPARENT SECOND LOWEST RESPONSIBLE AND RESPONSIVE BIDDER FOR THE INSTALLATION OF A NEW EPDM ROOFING SYSTEM, AND THE REMOVAL, TRANSPORTATION AND DISPOSAL OF ASBESTOS CONTAINING MATERIAL PLUS AN ENCUMBRANCE OF \$2,000.00 FOR THE REPLACEMENT OF ROOF DECK PLANKS, IF AND WHERE DIRECTED, AT THE BEE MEADOW SWIMMING POOL MAINTENANCE BUILDING**

**WHEREAS**, the continual maintenance and improvement to the Bee Meadow Swimming Pool infrastructure is essential in order to maintain its integrity and reliability as a fully functional and operational amenity for the benefit of pool members; and

**WHEREAS**, in order to provide the proper maintenance to keep the pool facility in good condition, it is necessary to perform essential repairs with the replacement of the roof at the Pool's Maintenance Building; and

**WHEREAS**, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq. publicly advertised for the receipt of competitive bids on March 19, 2012 for the removal of the old roof and the installation of a new roof at the Maintenance Building located at the Bee Meadow Swimming Pool facility; and

**WHEREAS**, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of ten (10) sealed competitive bids on April 10, 2012 out of twelve (12) prospective bidders who obtained the Township's Specification and Supplementary Specifications; and

**WHEREAS**, the Township Engineer, acting within his authority and in conformance with N.J.S.A. 40A:11-1 et seq. has carefully examined all of the bid

documents received on April 10, 2012, and has set forth his recommendations concerning the award of a contract for the replacement of the Maintenance Building roof; and

**WHEREAS**, the Township Engineer's letter recommendation dated April 10, 2012 addressed to the Mayor and Township Committee, is attached hereto and made a part of this resolution as if set forth in full; and

**WHEREAS**, Build Rite, LLC located at 16 Darlington Drive in Wayne, New Jersey 07470, was the apparent low bidder who submitted a bid in the amount of \$45,400.00 for Bid Item No. 1; \$6,500.00 for Bid Item No. 2 and \$2.50 per square foot for Bid Item No. 3; and

**WHEREAS**, although Build Rite, LLC appeared to be the apparent low bidder, the Township Engineer recommends that Build Rite's bid be rejected and declared unresponsive and defective in that Build Rite did not comply with the Township's Bid Documentation Submission Checklist by not submitting a Bid Bond; and

**WHEREAS**, the second low bid in the amount of \$53,000.00 for Bid Item No. 1; \$1,200.00 for Bid Item No. 2 and \$5.00 a square foot for Bid Item No. 3 was submitted by **Gen II Contracting Company, Inc.** (hereinafter referred to as "**Gen II**") with offices located at 395 A Millstone Road in Clarksburg, New Jersey 08510; and

**WHEREAS**, **Gen II** was responsive and compliant in submitting all of the required documentation in conformance with the Township's Bid Document Submission Checklist and therefore, can be deemed as the second lowest responsible and responsive bidder; and

**WHEREAS**, because Build Rite was unresponsive and did not comply with the Township's Bid Document Submission Checklist, it is the recommendation of the Township Engineer that the Township Committee award a contract to **Gen II Contracting Company, Inc.**, the second low bidder whose bid does not include any exceptions, deviations or deficiencies, and is in total compliance with the Township's Bid Document Submission Checklist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. In accordance with the recommendations of the Township Engineer, as set forth in his April 10, 2012 letter recommendation, which is incorporated herein by reference, and made a part of this resolution as if set forth in full, the governing body hereby authorizes the following action:

A. The bid of Build Rite, LLC, the apparent low bidder for the removal of the old roof and the installation of a new roof on the Township's Bee Meadow Swimming Pool Maintenance Building located at Bee Meadow Park in

Whippany, is declared deficient, defective and unresponsive in that Build Rite, LLC did not submit a Bid Bond with its Bid, and therefore is rejected on the basis that it failed to comply with the Township's Bid Documentation Submission Checklist.

B. That a contract for the removal of the old roof and the installation of a new roof on the Bee Meadow Swimming Pool Maintenance Building be awarded to **Gen II Contracting Company, Inc.** with offices located at 395A Millstone Road in Clarksburg, New Jersey 08510. **Gen II Contracting Company, Inc.**, is hereby declared as the second lowest responsible and responsive bidder, in that **Gen II Contracting Company, Inc.** is in total compliance with the Township's Bid Documentation Submission Checklist and that its bid is not defective and does not include any exceptions, deviations or deficiencies.

2. In accordance with the Township's Specification and Supplementary Specification and its Bid Proposal received on April 10, 2012, **Gen II Contracting Company, Inc.** shall perform the following scope of services in the lump sum amounts set forth below:

**Bid Item No. 1:** To furnish and install a new EPDM Roofing System (including demolition and curb and penetration work): \$53,000.00;

**Bid Item No. 2:** To remove, transport and dispose of asbestos containing material: \$1,200.00; and

**Bid Item No. 3:** To remove and replace roof deck planks to match existing planks if and where directed: \$5.00 per square foot.

The total contract amount for Bid Items No. 1 and 2 shall not exceed \$54,200.00. However, because roof deck planks may be replaced to match existing planks based on the \$5.00 per square foot price, a total of \$2,000.00 shall be encumbered for the replacement of deck planks, if and where directed by the Township's Engineering Department.

3. The Mayor and Township Clerk are hereby authorized and directed to execute a contract on behalf of the Township with **Gen II Contracting Company, Inc.** in the lump sum amount not to exceed \$56,200.00.

4. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated, and are available through a Swimming Pool Capital Improvement Fund Ordinance, Ordinance No. 9-2012, Line Item Number 220-5652-499 for the removal of the old roof and the installation of a new replacement roof on the Bee Meadow Swimming Pool Maintenance Building as set forth herein, all in accordance with the Local Budget Law at N.J.S.A. 40A:4-1 et seq.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Township's CMFO and **Gen II Contracting Company, Inc.**, Build Rite, LLC for reference and information purposes.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 70-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO RJR ENGINEERING COMPANY, INC., THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$45,150.00 FOR THE PERFORMANCE OF REPAIRS TO THE PERIMETER DECK EDGE OF THE BEE MEADOW SWIMMING POOL AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY**

**WHEREAS**, the continual maintenance and improvement to the Bee Meadow Swimming Pool infrastructure is essential in order to maintain its integrity and reliability as a fully functional and operational amenity for the benefit of pool members; and

**WHEREAS**, in order to provide the proper maintenance to keep the pool facility in good condition, it is necessary to perform essential repairs to the perimeter edge of the Bee Meadow Swimming Pool deck; and

**WHEREAS**, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for the receipt of competitive bids on March 19, 2012 for the above referenced deck edge repair project; and

**WHEREAS**, the Township's Specifications and Supplementary Specifications' scope of work include the removal of the deck's existing tile, mud bed and loose concrete and the replacement of the existing surface with a new surface along the perimeter edge deck of the Bee Meadow Swimming Pool; and

**WHEREAS**, on April 10, 2012, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of one (1) sealed competitive bid out of three (3) prospective bidders; and

**WHEREAS**, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for this pool deck edge repair project and has determined that the only competitive bid submitted by **RJR Engineering Company, Inc.** for the performance of the perimeter edge deck repair

at the Bee Meadow Swimming Pool as described above, is in total conformance with the Township's Specifications and Supplementary Specifications and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

**WHEREAS**, in a letter dated April 10, 2012 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the perimeter edge deck repair project described herein to **RJR Engineering Company, Inc.**

which bidder submitted the lowest competitive bid for this project in the amount of \$43,000.00; and

**WHEREAS**, the Township's Specification provides that if the successful contractor completes the perimeter deck edge project by May 4, 2012, the contractor will receive an incentive equal to 5% of the total contract price. And, in the same respect, the Township's Specification also stipulates that if the successful contractor does not complete the project by May 4, 2012, the contract price will be reduced by 5%; and

**WHEREAS**, in view of the incentive provision set forth in the Township's Specification, the total contract amount shall not exceed \$45,150.00; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. A contract is hereby awarded to:

**RJR Engineering Company, Inc.**  
105 Guinea Hollow Road  
Califon, New Jersey 07830

for the performance of the perimeter edge deck repair to the Bee Meadow Swimming Pool, all in accordance with the Specifications and Supplementary Specifications which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed \$43,000.00. However, the Township's Specification provides that if the successful contractor completes the perimeter deck edge project by May 4, 2012, the contractor will receive an incentive equal to 5% of the total contract price. And, in the same respect, the Township's Specification also stipulates that if the successful contractor does not complete the project by May 4, 2012, the contract price will be reduced by 5%.

2. In accordance with the incentive provision set forth in the Township's Specification the total contract amount shall not exceed \$45,150.00.

3. Upon commencement of the work, **RJR Engineering Company, Inc.** shall be responsible in providing sufficient personnel, and to continue in completing the project in an expeditious fashion, all in accordance with requirements of the Township's

Specifications and Supplementary Specifications. In addition, **RJR Engineering Company, Inc.** shall be required to submit a satisfactory work or progress schedule to the Township Engineer. Pursuant to the incentive provision set forth in the Township's Specification, **RJR Engineering Company, Inc.** shall be required to complete the perimeter edge deck repairs by May 4, 2012 in order to qualify for the 5% incentive.

4. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through a Swimming Pool Enterprise Fund Capital Improvement Ordinance, Ordinance No. 9-2012, Line Item No. 220-5652-499 for the perimeter edge deck repair project set forth in this resolution.

5. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **RJR Engineering Company, Inc.** in an amount not to exceed \$45,150.00.

6. A certified copy of this resolution shall be transmitted to the Township Engineer, the Superintendent of the Recreation and Park Administration Department, the Chief Municipal Finance Officer and **RJR Engineering Company, Inc.** for reference and information purposes.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:**        **NO. 71-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN QUICK CHEK CORPORATION AND THE TOWNSHIP REGARDING THE CONSTRUCTION OF A CONVENIENCE FOOD STORE AND A GASOLINE STATION ON PROPERTY LOCATED AT 2 PARSIPPANY ROAD IN WHIPPANY AND ALSO KNOWN AS LOT 6 IN BLOCK 4204, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO THE RECEIPT OF THE CASH AND SURETY PERFORMANCE BONDS, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE DEVELOPER'S AGREEMENT**

**WHEREAS, Quick Chek Corporation, as applicant and contract purchaser applied to the Board of Adjustment for permission to construct a convenience food store**

and gasoline station on property located at 2 Parsippany Road in the Whippany Section of the Township and also designated as Lot 6 in Block 4204 as designated on the Tax Map of the Township of Hanover; and

**WHEREAS**, the property described above is located in the B-P Zone District as set forth in Chapter 166 of the Code of the Township entitled Land Use and Development Legislation and is currently owned by “2 Parsippany Road, LLC.”; and

**WHEREAS**, by resolution dated August 2, 2011, the Board of Adjustment granted preliminary site plan approval, variances, and a design waiver or exception for the construction of the convenience food store and gasoline station at 2 Parsippany Road; and

**WHEREAS, Quick Chek Corporation** as the applicant, and Madeline Fornaro, the property owner of 10 Parsippany Road obtained a minor sub-division and a lot line change for 2 Parsippany Road and 10 Parsippany Road on August 2, 2011; and

**WHEREAS, Quick Chek’s** preliminary site plan approval, variances and the design waiver and the minor sub-division/lot line change were all memorialized in a resolution adopted by the Board of Adjustment on October 4, 2011; and

**WHEREAS**, on November 1, 2011, the Board of Adjustment granted final site plan approval to **Quick Chek Corporation** as the applicant and contract purchaser which approval was memorialized in a resolution of the Board and adopted on December 15, 2011; and

**WHEREAS**, in accordance with State law, Township ordinances and Board of Adjustment rules, regulations and requirements, the granting of final approval to said site plan is contingent upon the Developer having completed all such improvements, within and without Lots 5 and 6 in Block 4204, in accordance with the requirements of said preliminary and final site plan approval, or furnishing performance guarantees in lieu thereof, to be approved by the Township, and conditioned upon satisfactory completion by the Developer of all such improvements as provided in R.S. 40:55D-53 and the execution of this Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Developer's Agreement by and between the Township of Hanover and **Quick Chek Corporation**, the Developer, concerning the construction of a convenience food store and a gasoline station on property located at 2 Parsippany Road in the Whippany Section of the Township, and also designated as Lots 5 and 6 in Block 4204, as set forth on the Tax Map of the Township of Hanover. However, the Mayor and Township Clerk shall not execute the Developer’s Agreement until the following instruments and guarantees are first submitted to the Township, and only after the

Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given:"

A. The Developer shall be responsible in submitting a total performance guarantee of \$517,982.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$51,798.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 5(a) of the Developer's Agreement. And, submission to the Township Clerk of a Surety Performance Bond or Irrevocable Standby Letter of Credit in the amount of \$466,184.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the Developer's Agreement, and all in accordance with paragraph 5(a) of said Agreement.

B. In accordance with paragraph 5(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$25,899.00 to compensate the Township for all Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer.

C. The Developer shall also be required to pay to the Township of Hanover the sum of \$10,000.00 to cover the cost of the Hanover Sewerage Authority's engineering review, inspection and supervision of all the sanitary sewer facilities and improvements and observation of environmental conditions required for this project, and as more specifically set forth in the Township Engineer's Schedule "A".

D. The approval of the construction of the convenience food store, gasoline station and site improvements at 2 Parsippany is also subject to the terms and conditions of Ordinance No. 30-2011 as codified in Chapter 166 of the Code of the Township entitled Land Use and Development Legislation as it pertains to the regulation of trees. The Developer shall pay a total sum of money of \$7,000.00 based on the calculations of the conditions on the property.

E. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 13 of the Developer's Agreement.

F. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement and Schedule "A".

G. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the cash and surety performance bonds, any other fees as required at the time of signing, and the



conveyance of any applicable deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any construction activities.

3. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, HSA Executive Director, the Township's Chief Municipal Finance Officer and **Quick Chek Corporation** for reference and action purposes.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:      NO. 72-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN THE SENTINEL PUBLISHING COMPANY, INC. AND THE TOWNSHIP WITH REGARD TO THE RECONFIGURATION AND EXPANSION OF THE EXISTING PARKING AREA LOCATED ON PROPERTY AT 55 HORSE HILL ROAD IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND ALSO KNOWN AS LOT 4 IN BLOCK 1603 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER**

**WHEREAS, The Sentinel Publishing Company, Inc.** is the property owner of 55 Horse Hill Road and the owner of WMTR-AM and WDHA-FM radio station, the occupant of the one-story, 11,200 square foot masonry building serving as an office and broadcast facility; and

**WHEREAS,** on September 18, 2007, the Planning Board granted preliminary and final site plan approval to **The Sentinel Publishing Company, Inc.**, as applicant, to reconfigure the existing parking area by removing the easterly portion of the parking lot and expanding the existing parking area to the south to eliminate an encroachment on an access easement on the property located at 55 Horse Hill Road in the Cedar Knolls Section of the Township, and also designated as Lot 4 in Block 1603 as set forth on the Tax Map of the Township of Hanover; and

**WHEREAS,** the new parking lot will contain 45 parking spaces which comply with the parking requirement contained in the Township's Land Use and

Development Legislation, thereby eliminating a pre-existing non-conforming use. The proposed parking lot reconfiguration will reduce impervious coverage from 35,879 square feet to 32,277 square feet which will reduce storm water run-off from the subject property; and

**WHEREAS**, in accordance with State law, Township ordinances and Board of Adjustment rules, regulations and requirements, the granting of final approval to said site plan is contingent upon the Developer having completed all such improvements, within and without Lot 4 in Block 1603, in accordance with the requirements of said preliminary and final site plan approval, or furnishing performance guarantees in lieu thereof, to be approved by the Township, and conditioned upon satisfactory completion by the Developer of all such improvements as provided in R.S. 40:55D-53 and the execution of this Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Developer's Agreement by and between the Township of Hanover and **The Sentinel Publishing Company, Inc.**, concerning the reconfiguration and expansion of the existing parking lot on property located at 55 Horse Hill Road in the Cedar Knolls Section of the Township, and also designated as Lot 4 in Block 1603, as set forth on the Tax Map of the Township of Hanover. However, the Mayor and Township Clerk shall not execute the Developer's Agreement until the following instruments and guarantees are first submitted to the Township, and only after the

Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before improvement activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given:"

2. The Developer shall be responsible in submitting a total performance guarantee of \$92,083.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$9,208.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 4(a) of the Developer's Agreement. And, submission to the Township Clerk of a performance bond or an Irrevocable Standby Letter of Credit in the amount of \$82,875.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the Developer's Agreement, and all in accordance with paragraph 5(a) of said Agreement.

3. In accordance with paragraph 5(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developers shall pay to the Township the sum of \$4,604.00 to compensate the Township for all Township engineering review,

inspection and supervision of all the improvements as required to be installed by the Developers.

4. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 12 of the Developer's Agreement.

5. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement and Schedule "A".

6. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the cash and surety performance bonds, any other fees as required at the time of signing, and the conveyance of any applicable deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any construction activities.

7. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer and **The Sentinel Publishing Company, Inc.** for reference and action purposes.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 73-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REQUESTING CONSIDERATION AND APPROVAL BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION OF AN APPLICATION FOR FUNDING IN THE AMOUNT OF \$200,000.00 FROM THE LOCAL AID INFRASTRUCTURE FUND (DISCRETIONARY AID) FOR FISCAL YEAR 2012 FOR THE RESURFACING OF A PORTION OF BEE MEADOW PARKWAY FROM REYNOLDS AVENUE TO FENWICK ROAD INCLUDING BALDWIN COURT IN THE WHIPPANY SECTION OF THE TOWNSHIP**

**WHEREAS**, the Township Committee of the Township of Hanover is making application to the New Jersey Department of Transportation for 2012 Local Aid Infrastructure Funds (Discretionary Aid) for the approval of one (1) resurfacing project; and

**WHEREAS**, the Township Committee believes that there are several justifiable reasons to warrant the consideration and approval by the Department of Transportation for the resurfacing of a portion of Bee Meadow Parkway from Reynolds Avenue to Fenwick Road including Baldwin Court in the Whippany Section of the Township; and

**WHEREAS**, the Township believes that for the following reason this project should receive funding under the Act:

Resurfacing of a portion of Bee Meadow Parkway from Reynolds Avenue to Fenwick Road is an important east-west artery which handles a large volume of vehicular traffic within a residential area. The pavement is deteriorating and requires attention; and

**WHEREAS**, the governing body hereby petitions the New Jersey Department of Transportation to give serious consideration to the approval of the Township's application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover, in County of Morris and State of New Jersey, as follows:

1. That the Mayor and Township Clerk are hereby authorized to sign and transmit the necessary Grant application to the New Jersey Department of Transportation.
2. That the application for Grant consideration and approval is hereby made to the Commissioner of Transportation for aid under the year 2012 Local Aid Infrastructure Fund for the resurfacing of a portion of Bee Meadow Parkway from Reynolds Avenue to Fenwick Road, including Baldwin Court in the Whippany Section of the Township in the amount of **\$200,000.00**.
3. The Township of Hanover is prepared to share in the cost of the project through a commitment and contribution of a reasonable amount of its own capital improvement funds toward the completion of the project.
4. That a certified copy of this resolution, along with the Township's application for consideration, shall be submitted to the Department of Transportation's District Office, the Township Engineer and Township's Chief Municipal Finance Officer for their reference and action.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 74-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ENDORSING AND SUPPORTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S ROUTE I-287 PAVEMENT RESURFACING AND EDEN LANE DECK REPLACEMENT PROJECT FROM SOUTH OF THE SOUTH STREET UNDERPASS IN THE TOWN OF MORRISTOWN TO THE LITTLETON OVERPASS IN PARSIPPANY TROY-HILLS TOWNSHIP**

**WHEREAS**, on March 26, 2012, representatives of the New Jersey Department of Transportation (NJDOT) presented an overview to officials from Hanover, Morris and Parsippany Troy-Hills Townships and the Town of Morristown of a proposed \$26 million pavement resurfacing project on Route I-287 from south of the South Street underpass in the Town of Morristown to the Littleton Road overpass in the Township of Parsippany Troy-Hills; and

**WHEREAS**, the NJDOT's Bridge and Pavement Management Systems has determined that a 6.9 mile section of Route I-287 requires resurfacing of the pavement including the ramps, minor structural repairs on eight (8) bridges, and the replacement of the deck and other structural repairs to the Route I-287 bridge over Eden Lane, the Whippany River and the Morristown and Erie Railway tracks; and

**WHEREAS**, the project will be done in four (4) phases over a three (3) year period commencing sometime in the fall of 2012 with substantial completion by May, 2015; and

**WHEREAS**, in order to minimize inconveniences to the traveling public during the daytime hours, the milling, paving and minor structural repairs (not including the Eden Lane Bridge deck replacement) will be performed during the night; and

**WHEREAS**, because of nighttime operations, the NJDOT is requesting that the Township Committee waive the Township's noise control regulations, specifically Articles I and II entitled "Unnecessary Noises" and "Noise Control" under Chapter 184 of the Code of the Township entitled Noise; and

**WHEREAS**, the Township Committee believes that the resurfacing of a portion of Route I-287 as described above is important to the safety of motorists and therefore endorses and supports the Project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The governing body hereby endorses and supports the plan by the New Jersey Department of Transportation to resurface a portion of Route I-287 from south of the South Street underpass in the Town of Morristown to the Littleton Road overpass in the Township of Parsippany Troy-Hills. As a major north-south connector highway serving New Jersey, the resurfacing of Route I-287 including other improvements and structural repairs is vital to the safety of the motoring public.
2. In accordance with the NJDOT's request which states that milling and paving operations along the 6.9 mile stretch of highway will be performed during the nighttime, the governing body hereby waives the NJDOT from provisions of Article I and II entitled "Unnecessary Noises" and "Noise Control" respectively under Chapter 184 of the Code of the Township entitled Noise only with respect to those activities directly related to the Route I-287 Project.
3. That a certified copy of this resolution shall be transmitted to the NJDOT's Office of Community Relations, the Township Engineer and Chief of Police for reference and information purposes.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:**        **NO. 75-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE APPLYING FOR A YEAR 2011  
RECYCLING TONNAGE GRANT THROUGH THE NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION AND AUTHORIZING THE TOWNSHIP'S  
RECYCLING COORDINATOR TO SUBMIT THE APPLICATION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as to conditions for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants memorializes the commitment of Hanover Township to recycling and indicates the assent of the Township Committee to the efforts undertaken by the municipality, and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, this resolution designates the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. We hereby endorse the submission of the Year 2011 recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Mr. Marko Bura, the Township's Recycling Coordinator is hereby designated and authorized to ensure that the tonnage grant application is properly filed with the New Jersey Department of Environmental Protection.
3. The moneys to be received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely by the Township for the purposes of recycling.
4. A certified copy of this resolution shall be transmitted to the New Jersey Department of Environmental Protection along with the Year 2011 recycling tonnage application and to the Morris County Municipal Utilities Authority District Recycling Coordinator.

The motion was seconded by Member Ferramosca, was passed and the

resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 76-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING A  
MUNICIPAL SERVICES ACT AGREEMENT BETWEEN THE TOWNSHIP AND  
THE GRANDE AT HANOVER CONDOMINIUM ASSOCIATION, INC.  
AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK  
TO EXECUTE THE AGREEMENT**

**WHEREAS**, in accordance with the Municipal Services Act, N.J.S.A. 40:67-23.1 et seq., the Township Committee has conducted good faith negotiations with **The Grande at Hanover Condominium Association, Inc.** for the purpose of determining reimbursements to the **Association**, and in providing certain municipal services to the homeowners and residents of the multi-family residential development known as **The Grande at Hanover Condominium Association, Inc.**; and

**WHEREAS**, the Municipal Services Act requires that condominium associations in New Jersey enter into written agreements with the municipality in which they are located in order to obtain reimbursement and/or certain services; and

**WHEREAS**, the Township Committee and representatives of **The Grande at Hanover Condominium Association, Inc.** have reduced their findings and determinations in writing in the form of a Municipal Services Act Agreement which is annexed hereto and made a part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized to execute the attached "Municipal Services Act Agreement" by and between the Township and **The Grande at Hanover Condominium Association, Inc.**

2. The Municipal Services Act Agreement shall take effect immediately upon signature of all the parties, and shall continue in perpetuity unless notice is given by either party to modify the terms and conditions of the Agreement. No revision to the Agreement shall be valid and binding unless it is amended by resolution of the



Township Committee and an Amendatory Agreement is executed by the authorized officers of both the Township and the **Association**.

3. A certified copy of this resolution shall be forwarded to **The Grande at Hanover Condominium Association, Inc.**, Integra Management Corporation, the Township Engineer, and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer, Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:      NO. 77-2012**

Member Coppola offered the following resolution and moved its adoption

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING AN INTERLOCAL SANITARY SEWER OWNERSHIP AND MAINTENANCE AGREEMENT BY AND BETWEEN THE TOWNSHIP AND WATERVIEW AT HANOVER, LLC, THE BOROUGH OF MORRIS PLAINS AND THE HANOVER SEWERAGE AUTHORITY WITH REGARD TO THE OWNERSHIP, OPERATION, MAINTENANCE AND SERVICE OF AN APPROVED SANITARY SEWER SYSTEM FOR LOT 1 IN BLOCK 602 IN HANOVER TOWNSHIP AND LOT 8 IN BLOCK 11 IN THE BOROUGH OF MORRIS PLAINS AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT**

**WHEREAS, Waterview at Hanover, LLC** (hereinafter referred to as “**Waterview**”) is the contract purchaser of property owned by American Hi-Tech Park, LLC commonly known and designated as Lot 1 in Block 602 as set forth on the Tax Map of the Township of Hanover; and Lot 8 in Block 11 as set forth on the Tax Map of the Borough of Morris Plains (hereinafter referred to as the “**Property**”); and

**WHEREAS, JMF Acquisitions, LLC** has assigned the rights to its approvals to **Waterview**; and

**WHEREAS, land use development approvals** have been obtained from the Township of Hanover’s Planning Board as memorialized in an October 25, 2011 resolution of the Board in connection with the construction of a multi-family development on property located on Lot 1 in Block 602; and

**WHEREAS, Waterview** has also obtained land use development approvals from the Borough of Morris Plains Planning Board as memorialized in a December 12, 2011 resolution in connection with the construction of a multi-family development on property located on Lot 8 in Block 11; and

**WHEREAS, JMF** secured approval of its sanitary sewerage system plans from Hanover Sewerage Authority (hereinafter referred to as "HSA") on October 26, 2011; and

**WHEREAS, pursuant to the Morris Plains and Hanover Planning Board Approvals, Waterview** consents to the ownership, operation, maintenance, (routine and emergency) and general servicing of the approved sanitary sewer system; and

**WHEREAS, pursuant to the approval of the HSA and HSA Regulations, Waterview, and its successors and assigns, is required to own and operate the sanitary sewer system, which connects its property to the Authority System; and**

**WHEREAS, the ownership, operation, maintenance, and service of the approved sanitary sewer system shall include all onsite and off-site sanitary sewer manholes, all piping, the pump station and the force main which has been approved/designed to extend up The American Road to Forest Way, as delineated on the approved site plans prepared by Omland Engineering (hereinafter "Site Plans"); and**

**WHEREAS, Waterview** has and will act in accordance and compliance with the terms of the NJDEP Stipulation of Settlement (hereinafter "NJDEP Settlement") with Masucci Associates, Inc. dated April 17, 2000, and the Settlement Agreement between American Hi-Tech Park, LLC and Hanover (hereinafter "Hanover Settlement") dated January 11, 2007 and as amended on October 13, 2011; and

**WHEREAS, a Treatment Works approval application has been filed with the NJDEP in connection with the Morris Plains, Hanover and HSA approved sanitary sewer system which was approved by the NJDEP on January 11, 2012 as Permit No. 11-0332.**

**NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:**

1. In accordance with the terms and conditions set forth in the attached Interlocal Services Sanitary Sewer Ownership and Maintenance Agreement by and between **Waterview at Hanover, LLC**, the Borough of Morris Plains, the Township of Hanover and the Hanover Sewerage Authority, the governing body consents to the execution of the Agreement. **Waterview at Hanover, LLC** agrees to construct, operate, maintain and own the sanitary sewer system approved by Hanover Township and Morris Plains, the Hanover

Sewerage Authority and the NJDEP, all in compliance with the terms of the respective land use development approvals received from each respective Planning Boards and as depicted on the Site Plans and Routing Plan.

2. That the Mayor and Township Clerk are hereby authorized and directed to execute the Interlocal Services Sanitary Sewer Ownership and Maintenance Agreement on behalf of the Township.
3. That certified copies of this resolution along with the signed Interlocal Sanitary Sewer Ownership and Maintenance Agreement shall be transmitted to **Waterview at Hanover, LLC**, the Borough of Morris Plains and the Hanover Sewerage Authority for reference and information purposes.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 78-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ACCEPTING A DEED OF DEDICATION WITH RESERVATION OF EASEMENT FROM AMERICAN HI-TECH PARK, L.L.C. WITH RESPECT TO PROPERTY LOCATED ON LOT 8 IN BLOCK 11 IN THE BOROUGH OF MORRIS PLAINS AND LOT 1.01 IN BLOCK 602 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER**

**WHEREAS, American Hi-Tech Park, L.L.C.** (hereinafter referred to as "American Hi-Tech") is the owner of property on The American Road in both the Borough of Morris Plains and the Township of Hanover and identified as Lot 8 in Block 11 on the Tax Map of the Borough of Morris Plains, and Lot 1.01 in Block 602 on the Tax Map of the Township of Hanover respectively; and

**WHEREAS,** the total acreage of the two (2) parcels described above is approximately 23.88 acres of land; and

**WHEREAS,** of the approximately 23.88 acre tract, **American Hi-Tech** shall convey approximately 17.26 acres to the Township of Hanover for open space and active and/or passive recreation purposes; and

**WHEREAS**, the property to be conveyed and transferred to the Township is more particularly described in Exhibits “A” and “B” which are attached to and made a part of the Deed of Dedication With Reservation of Easement; and

**WHEREAS**, **American Hi-Tech** reserves for itself and its successors and/or assigns, a perpetual utility easement over the property more particularly described as Lot 1.02 in Block 602 as set forth in Exhibit “C” of the Deed of Dedication With Reservation of Easement; and

**WHEREAS**, the Deed of Dedication With Reservation of Easement has been reviewed and approved by the Township Attorney and Township Engineer; and

**WHEREAS**, it is the intention of the Township Committee to accept the transfer of open space land as set forth in the Deed of Dedication With Reservation of Easement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The governing body hereby accepts from **American Hi-Tech Park, L.L.C.**, as Grantor, the Deed of Dedication With Reservation of Easement, which describes approximately 17.26 acres of vacant land that shall be dedicated to the Township for open space preservation and for active and/or passive recreation as defined by the New Jersey Department of Environmental Protection’s Green Acres Program pursuant to N.J.A.C. 13:8C-1 et seq. and N.J.A.C. 7:36. The Deed of Dedication With Reservation of Easement document is attached hereto and made a part of this resolution as if set forth in full.
2. That a certified copy of this resolution shall be transmitted to the Township’s Tax Assessor, the Township Engineer, **American Hi-Tech Park, L.L.C.** and Waterview at Hanover, LLC.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:**        **NO. 79-2012**

Member Coppola offered the following resolution and moved its adoption:

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL  
ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY  
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**Section 1.**

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 which item is now available as a revenue from:

State of New Jersey, Department Of Energy and Environmental Protection, Office of Recycling Recycling Act of 1981 (P.L. 81, c. 278)	\$30,319.65
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**Section 2.**

**BE IT FURTHER RESOLVED**, that a like sum of \$30,319.65 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from Caps: State and Federal Programs Offset by Revenues: Recycling Act of 1981 (P.L. 81, c. 278) Recycling Program: Other Expenses	\$30,319.65
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**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 80-2012**

Member Coppola offered the following resolution and moved its adoption:

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL  
ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY  
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**Section 1.**

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012, which item is now available as a revenue from:

County of Morris:	\$2,500.00
Municipal Alliance – Supplemental Funding	

**Section 2.**

**BE IT FURTHER RESOLVED**, that a like sum of \$2,500.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
State and Federal Programs Offset by Revenues:	\$2,500.00
Municipal Alliance – Supplemental Funding: OE	

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,  
    Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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**RESOLUTION:        NO. 81-2012**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS**

**BE IT RESOLVED**, by the Township Committee, of the Township of Hanover, County of Morris And State of New Jersey, that the following tax overpayments, as certified by Silvio Esposito, Collector of Taxes, be and are hereby refunded:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>QUAL.#</u></b>	<b><u>NAME</u></b>	<b><u>AMOUNT</u></b>
1405	16		Scott & Stacy Walder 35 Farview Ave. Cedar Knolls, NJ 07927	\$1539.95
2503	4		Arne & Margaret Samuelsen 10 Elm Place Cedar Knolls, NJ 07927	\$ 677.59
2904	10		Bruce Stavitsky Esq. Trustee Rainbow Academy 341 Broad Street Clifton, NJ 07013 Location: 24 South Jefferson Road Reserve for Tax Appeals	\$5938.00
4301	2	C2408	Joan McCormack 2408 Whippanong Way Whippany, NJ 07981	\$ 446.13
4402	14	C3205	Gianna Esposito & Marianne Fiore 3205 Appleton Way Whippany, NJ 07981	\$ 744.45
4508	16		Thomas Gallagher Sheila Writt 20 Woodfield Drive Whippany, NJ 07981	\$1666.08





has the necessary administrative skills and customer service experience and expertise in meeting the minimum qualifications in serving as a part-time clerk in the General Office.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. In accordance with the recommendation of the Business Administrator and General Office Supervisor/Deputy Township Clerk, , the governing body hereby appoints **Althea LaVitola** residing at 2E Foxwood Drive in Morris Plains, New Jersey 07950 to serve as a part-time clerk in the General Office for a six (6) month probationary period commencing Tuesday, April 17, 2012 and ending Wednesday, October 17, 2012.
2. **Ms. LaVitola** shall be compensated at the rate of \$14.42 per hour in accordance with the Office/Clerical Guide, Item 3. of Section 8., as set forth in Salary Ordinance 31-2011. **Ms. LaVitola** will be eligible to advance to Step 2 of the Office/Clerical Guide on November 1, 2014 upon receiving a satisfactory job performance evaluation. In addition **Ms. LaVitola** shall also be eligible to receive the annual cost of living adjustment if and when the Office/Clerical Guide is adjusted at any time by the governing body and only upon receiving a satisfactory Job Performance Evaluation from the General Office Supervisor.
3. **Ms. LaVitola** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 61-18. Of Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies. In the event that **Ms. LaVitola** receives an unsatisfactory evaluation during her probationary period, **Ms. LaVitola** may be terminated at the conclusion of the probationary period or sooner, whichever is applicable.
4. In accordance with the work schedule needs of the General Office, **Ms. LaVitola** shall work a thirty (30) hour four day work week as adjusted by the General Office Supervisor.
5. Pursuant to Township policy, **Ms. LaVitola** shall not be eligible to receive any eligible prior service credit or receive or accrue any paid vacations, sick leave and health and dental benefits of any kind whatsoever.
6. In accordance with standard Township practice, **Ms. LaVitola's** appointment is conditional subject to receiving a satisfactory post-offer medical examination, a negative new-hire drug screening and a negative criminal history records check.

7. That a certified copy of this resolution shall be transmitted to the General Office Supervisor, Chief Municipal Finance Officer and **Ms. LaVitola** for reference and information purposes.

The motion was seconded by Member Ferramosca, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer, Ferramosca and Coppola

NOES: None

ABSENT: Member Brueno

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### **PAYMENT OF BILLS:**

The governing body approved a grand total disbursement of \$4,134,684.32 for the payment of all bills as of this Regular Township Committee Meeting. A copy of the "Bills Payment List – by Vendor" is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Schleifer and seconded by Member Ferramosca.

A copy of the Bills Payment List – by Vendor has been incorporated in the Supplemental Minute Book – Payment of bills which is on file in the Township Clerk's Office.

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### **OTHER BUSINESS:**

Member Coppola, as a reminder, mentioned that the Cedar Knolls Fire Department will be holding their Breakfast this Sunday, April 15<sup>th</sup> and the Landmark Commission event "Clarinets a la Mode" will also take place this Sunday at the Community Center at 3PM. In addition, he mentioned that the Board of Education election will be held on April 17<sup>th</sup>, Little League Opening Day is Saturday the 21<sup>st</sup> and the joint meeting of the Fire Districts will take place on May 1<sup>st</sup>.

In addition, Member Coppola stated that the Director of the Office of Emergency Management Tom Quirk advised him that the Township will be receiving FEMA funds for the damage caused by Hurricane Irene.

Member Schleifer announced that the repair work at Bee Meadow Pool will be completed shortly and the pool will open at its regular time. He also advised that a river walk with representatives of the Whippany River Watershed Committee will take place on April 18<sup>th</sup> to identify other areas of the river that may require attention and clean-up.

Member Ferramosca advised that grading and removal of trees is currently taking place on the Berlex parcel located at the intersection of Ridgedale and Hanover Avenue. He assured everyone that the developer will pay for the trees that he removes and plant replacement trees on the site as appropriate.

In addition, Member Ferramosca stated that the tenth hearing in connection with the proposed construction for the ShopRite at the intersection of Hanover Avenue and Horse Hill Road is scheduled to take place on April 24<sup>th</sup>; the Economic Development Advisory Committee's (EDAC) Broker/Developer Round Table will take place on May 4<sup>th</sup>; Arbor Day ceremonies will take place at each school beginning April 27<sup>th</sup>; and Jersey Judo Karate Academy will be providing a six week program at the Community Center starting on April 19<sup>th</sup>.

Mayor Francioli stated that plans for the redevelopment of the Berlex site will be submitted to the Planning Board shortly. And, he pointed out that the Township has no way of dealing with the ShopRite objectors other than to listen.

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**OPEN TO THE PUBLIC:**

Mayor Francioli opened the meeting to the public.

Tom Russomano of Farview Avenue requested the Township Committee begin to practice bare bones spending and stop spending taxpayer dollars frivolously especially since some employees were laid off and some had their hours cut back, one of whom is his wife.

Mayor Francioli assured Mr. Russomano that everyone is doing their best to practice bare bones spending. On a more positive note, the Mayor said that the Township is not yet economically sound but it does see the light at the end of the tunnel.

No further comments forthcoming, Member Coppola moved the public hearing be declared closed. The motion was seconded by Member Ferramosca and was unanimously passed.

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No further business appearing, Member Ferramosca moved the meeting be adjourned. The motion was seconded by Mmber Schleifer and was unanimously passed.

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

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Joseph A. Giorgio  
Township Clerk